



November 3, 2017

**VIA ECF**

Hon. Claire C. Cecchi, U.S.D.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

**RE: *Microspherix LLC. v. Merck Sharp & Dohm Corp., et al.*,  
Civil Action No. 17-3984 (CCC)(JBC)**

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Dear Judge Cecchi:

Together with Gibson, Dunn & Crutcher, LLP, we represent the Merck Defendants in the above-referenced action.

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On October 25, 2017, Defendants' filed a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6). The Amended Brief attached hereto (D.I. 33), which we file with Plaintiff's consent, is substantively identical to the October 25, 2017 brief (D.I. 28-1), but contains citations to Plaintiff's Amended Complaint rather than its original Complaint.

Respectfully submitted,

*s/John E. Flaherty*

John E. Flaherty

cc: Counsel of Record (via ECF)

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